IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21788 of 2004

Between:

Smt.Y.Siva Lakshmi Kumari, W/o.Y.V.Nageswara Rao,
R/o.12-95, Adarshnagar Opp. I.D.P.L.Colony, R.R.District.

..... PETITIONER

AND

1 The Collector, R.R.District at Lakdikapool, Hyderabad.
2 The Sub-Registrar, Sub-Registrar Office Medchal, R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent No.2 in not accepting the registration of document in respect of Plot No.81 covered under registered document No.3751/1997 of Respondent No.2 office to an extent of 122 Sq. Yds., comprised in Sy.No.129, 140 and 141 situated at Ramreddy Nagar, Qutbullapur Village and Mandal proper, R.R. District, as arbitrary and illegal and ultravires the Registration Act, and consequently direct the respondents herein to register the document of the petitioner for registration of the land covered by Plot No.81, admeasuring 122 sq. yds., comprised in Sy.No.129, 140 and 141, situated at Ramreddynagar, Qutbullapuram Village and Mandal proper, Ranga Reddy District.

For the Petitioner: MR.A.SATYANARAYANA REDDY, Advocate.

For the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

The petitioner claims to be owner of the Plot No.81, admeasuring 122 square yards in Survey Nos. 129, 140 and 141 of Ramreddy Nagar, Qutbullapur village of R.R. District and when he approached the second respondent Sub-Registrar for registration of the said plot in favour a prospective purchaser, the Sub-Registrar refused to register the same on account of a direction from the first respondent-District Collector that the land in Survey No.141 is declared as Government land, and insisted for 'No objection Certificate' from the Mandal Revenue Officer concerned for registration. Seeking a direction to the respondents to register the document in respect of the property in question, the petitioner filed this writ petition.

It is submitted by the learned counsel for the petitioner and admitted to by the learned Government Pleader for Revenue that no Notification under Section 22-A of the Registration Act, 1908 has been issued by the Government prohibiting the transfer of the land in question. They also submitted that the subject matter of this writ petition is squarely covered by a judgment of this Court in W.P. No.1953 of 2002, dated
11-12-2003, wherein it was held thus:

> "The Registration Act does contain a provision enabling the government to prohibit transfer in respect of any lands. Such prohibition, however, is to be imposed by issuing a notification under Section 22-A of the Registration Act, 1908."

In view of the above proposition of law and having regard to the fact that no Notification as contemplated under Section 22-A of the Registration Act, 1908 has been issued by the Government prohibiting transfer of the land held by the petitioner, the writ petition is disposed of with a direction to the second respondent Sub-Registrar, Medchal, R.R. District to process and deal with the document submitted by the petitioner for registration of the property in question in favour of a prospective purchaser, as per the provisions of the Indian Stamp Act and the Registration Act. It is made clear that this order does not preclude the Government to issue any

Notification under Section 22-A of the Registration Act, 1908.

Accordingly, the writ petition is disposed of at the stage of admission. No costs.

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N.V. RAMANA, J

Date: 03-12-2004

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To

1 The Collector, R.R.District at Lakdikapool, Hyderabad.

2 The Sub-Registrar, Sub-Registrar Office Medchal, R.R.District.

3 Two CCs. to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad (OUT).

4 Two CD copies.